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5 IN THE UNITED STATES BANKRUPTCY COURT
6 WESTERN DISTRICT OF WASHINGTON

7 In re:) Chapter 13 Bankruptcy
8)
9 Rodolfo M. Masangkay) Adversary No.: 11-01207-MLB
10 Asiatica E. Masangkay)
11 Debtors.) Bankruptcy Case No.: 09-13671-MLB
12) **ANSWER TO COMPLAINT FOR**
13) **DETERMINATION OF SECURED**
14) **STATUS PURSUANT TO 11 U.S.C. 506**
15)
16 Rodolfo M. Masangkay)
17 Asiatica E. Masangkay,)
18 Plaintiffs,)
19 v.)
20 Key Bank National Association and LVNV)
21 Funding, LLC,)
22 Defendants.)
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21 Defendant, LVNV Funding, LLC ("LVNV"), hereby answers Plaintiffs' adversary
22 complaint ("Complaint") and further raises affirmative defenses as set forth below.

23 1.1 In response to paragraph 1.1, LVNV states that the allegations contained in
24 Paragraph 1.1 of the Complaint are legal conclusions or statements of relief sought and no
25 answer is required of this answering defendant. To the extent an answer is deemed to be
26 required, Defendant denies the allegations contained in paragraph 1.1 of the Complaint.

1 1.2 In response to paragraph 1.2, LVNV states that the allegations contained in
2 Paragraph 1.2 of the Complaint are legal conclusions or statements of relief sought and no answer
3 is required of this answering defendant. To the extent an answer is deemed to be required,
4 Defendant denies the allegations contained in paragraph 1.2 of the Complaint.

5 2.1 In response to paragraph 2.1, LVNV states that the allegations contained in
6 Paragraph 2.1 of the Complaint are legal conclusions or statements of relief sought and no
7 answer is required of this answering defendant. To the extent an answer is deemed to be
8 required, Defendant denies the allegations contained in paragraph 2.1 of the Complaint.

9 3.1 In response to paragraph 3.1, LVNV admits the statements contained therein.

10 3.2 In response to paragraph 3.2, LVNV states that the allegations contained in
11 Paragraph 3.2 of the Complaint are legal conclusions or statements of relief sought and no
12 answer is required of this answering defendant. To the extent an answer is deemed to be
13 required, Defendant admits it is a Delaware corporation and denies the remaining allegations
14 contained in paragraph 3.2 of the Complaint.

15 4.1 In response to paragraph 4.1, LVNV admits that it holds a third deed of trust on
16 the residence located at 409 Maple Ave. NW, Renton, WA 98055 and denies that Key Bank
17 holds any interest in the third deed of trust.

18 4.2 In response to paragraph 4.2, LVNV admits the statements contained therein.

19 4.3 In response to paragraph 4.3, LVNV admits the statements contained therein.

20 4.4 In response to paragraph 4.4, LVNV admits that it owns the third deed of trust for
21 the residence located at 409 Maple Ave. NW, Renton, WA 98055 and denies any remaining
22 allegations.

23 4.5 In response to paragraph 4.5, LVNV states that the Order of the Court dated
24 January 6, 2011 speaks for itself. LVNV denies any remaining allegations contained in
25 paragraph 4.5 of the Complaint.

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1 **SIXTH AFFIRMATIVE DEFENSE**

2 **(Unstated Additional Defenses)**

3 As to the allegations of the Complaint, and each and every cause of action therein,
4 LVNV presently has insufficient knowledge and information on which to form a belief as to
5 whether additional, as yet unstated, affirmative defenses may exist. LVNV therefore reserves
6 the right to assert additional affirmative defenses in the event that discovery indicates that such
7 defenses would or will be appropriate.

8 **SEVENTH AFFIRMATIVE DEFENSE**

9 **(Waiver, Estoppel or Laches)**

10 Plaintiffs' claims are barred by one or more of the doctrines of waiver, estoppel and/or
11 laches.

12 **WHEREFORE**, LVNV prays for judgment as follows:

- 13 1. That Plaintiffs take nothing by way of their Adversary Complaint;
14 2. That LVNV be dismissed with prejudice;
15 3. For attorneys fees and costs of suit incurred herein; and
16 4. For such other and further relief as this Court may deem just and proper.

17
18 DATED this 28th day of April, 2011

19 HOUSER & ALLISON,
20 A Professional Corporation

21 By: /s/ ROBERT W. NORMAN, JR
22 ROBERT W. NORMAN, JR., WSBA# 37094
23 Attorneys for LVNV Funding, LLC
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